



April 28, 1999

Mr. Alberto J. Pena
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR99-1169

Dear Mr. Pena:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125757.

The City of San Antonio Employee Services (the "city") received a request for the following information concerning a certain peace officer:

1. Title and Date of employment.
2. Gross salary, commission, overtime pay, tips, bonuses and/or merit increases.
3. Whether and for whom he has purchased dependent medical, dental, vision and life insurance coverage.
4. Marital Status.

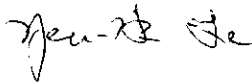
You have released the first two categories of information. You inform us that you do not have records responsive to the request for information concerning the officer's dental or optical plan or city-provided life insurance. The Public Information Act does not require a governmental body to make available information which does not exist. Open Records Decision No. 362 (1983). You assert that the requested information pertaining to the officer's dependents and marital status is confidential under section 552.117 of the Government Code.

Section 552.117(2) excepts from public disclosure information that reveals a peace officer's home address, home telephone number, social security number, and whether the officer has

family members. "Peace officer" is defined by article 2.12 of the Code of Criminal Procedure. We agree that the city must withhold the officer's social security number and information pertaining to his dependents and marital status under section 552.117(2) as such information reveals whether the officer has family members. We have marked the information you must withhold.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le".

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref: ID# 125757

Encl: Marked documents

cc: Ms. Delia Zapata
110-A Cockerham
Kyle, Texas 78640
(w/o enclosures)